

Broward County Code of Ethics



PRESENTED BY:

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Code of Ethics for Elected Officials



- Section 1-19 of the Broward County Code of Ordinances
- Applies to county commissioners and elected municipal officials
- Enforcement – Office of the Inspector General

Definitions



What is a “Gift”? – Section 112.312(12), F.S.



That which is accepted by a donee (elected official) or by another on the donee’s behalf, **or** that which is paid or given to another for or on behalf of a donee, **directly, indirectly**, or in trust for the donee’s benefit or by any other means, for which equal or greater consideration is not given within **90 days**.

Gifts from BLOC/FLOC are not “Gifts”



Gifts by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

Who is a “Lobbyist”?

A person retained, **with or without compensation**, for the purpose of lobbying, or a person employed by another (full or part-time) principally to lobby on behalf of that person or entity.



Who IS NOT a “Lobbyist”?

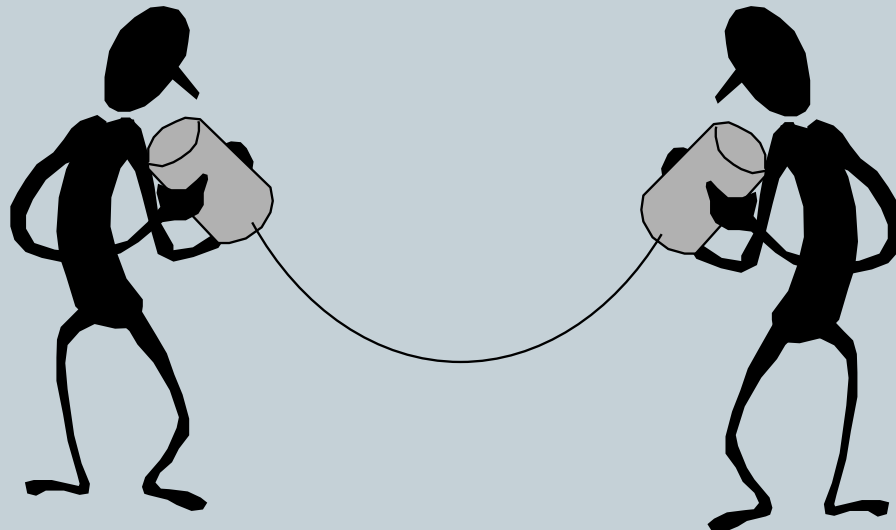


- 1) An elected official, employee or appointee of a city or Broward County acting in his/her official capacity.
- 2) A person communicating on his/her own behalf, or on behalf of a person employing that individual, unless they are principally employed to lobby.
- 3) Any employee or officer of an HOA or neighborhood association communicating in such capacity when addressing an issue impacting such association.
- 4) Any employee or officer of a nonprofit public interest entity when addressing an issue impacting that entity.

What is a “Lobbying Activity”?



Communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence the covered individual to support or oppose the item.

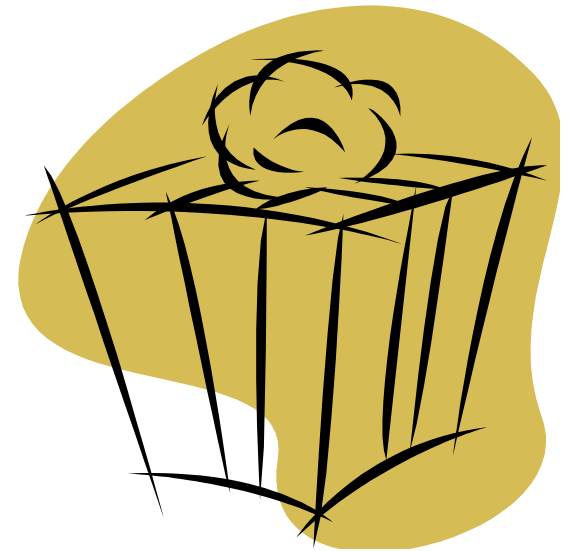


Vendors and Contractors



- Contractor – Any person or entity under contract with the applicable local governmental entity.
- Vendor – A person/entity currently supplying goods or services; supplied goods or services within current or the prior two (2) calendar years; or submitted a response to a currently-open competitive solicitation or a response to competitive solicitation during the current or prior two (2) calendar years.
- ****Excluding governmental entities**

Acceptance of Gifts



Donor?

Lobbyist
Vendor
Contractor

\$5.00

Condolences
Sympathy

Training

Nonalcoholic
Beverages

Charitable
Events*

PSAs

Official
Capacity

\$50.00 per
occurrence

Nonofficial
Capacity

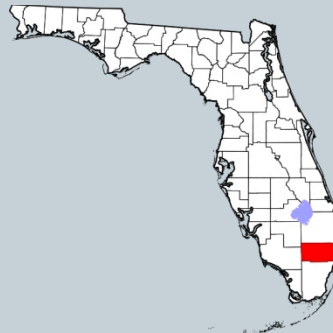
State Law
(Ch. 112, F.S.)



Gifts from Governmental Entities



- Broward County, municipalities within the County, and other governmental entities **are not** considered registered lobbyists (or principals thereof), vendors or contractors.
- Governmental entity giving a gift to its own elected official is not considered an “other source.” (i.e. no limit)



Form 9 – Quarterly Gift Disclosure



Form 9		QUARTERLY GIFT DISCLOSURE (GIFTS OVER \$100)	
LAST NAME -- FIRST NAME -- MIDDLE NAME:		NAME OF AGENCY:	
MAILING ADDRESS:		OFFICE OR POSITION HELD:	
CITY:	ZIP:	COUNTY:	FOR QUARTER ENDING (CHECK ONE) YEAR <input type="checkbox"/> MARCH <input type="checkbox"/> JUNE <input type="checkbox"/> SEPTEMBER <input type="checkbox"/> DECEMBER 20__

PART A — STATEMENT OF GIFTS

Please list below each gift, the value of which you believe to exceed \$100, accepted by you during the calendar quarter for which this statement is being filed. You are required to describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date(s) the gift was received. If any of these facts, other than the gift description, are unknown or not applicable, you should so state on the form. As explained more fully in the instructions on the reverse side of the form, you are not required to disclose gifts from relatives or certain other gifts. You are not required to file this statement for any calendar quarter during which you did not receive a reportable gift.

DATE RECEIVED	DESCRIPTION OF GIFT	MONETARY VALUE	NAME OF PERSON MAKING THE GIFT	ADDRESS OF PERSON MAKING THE GIFT

CHECK HERE IF CONTINUED ON SEPARATE SHEET

PART B — RECEIPT PROVIDED BY PERSON MAKING THE GIFT

If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt.

CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM

PART C — OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed herein and on any attachments made by me constitutes a true accurate, and total listing of all gifts required to be reported by Section 112.3148, Florida Statutes.	STATE OF FLORIDA COUNTY OF _____ Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____ by _____ (Signature of Notary Public-State of Florida) (Print, Type, or Stamp Commissioned Name of Notary Public) Personally Known _____ OR Produced Identification Type of Identification Produced _____
SIGNATURE OF REPORTING OFFICIAL _____	

PART D — FILING INSTRUCTIONS

This form, when duly signed and notarized, must be filed with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 3600 Macley Blvd. South, Suite 201, Tallahassee, Florida 32312. The form must be filed no later than the last day of the calendar quarter that follows the calendar quarter for which this form is filed (For example, if a gift is received in March, it should be disclosed by June 30.)

CE FORM 9 - EFF. 1/2007

(See reverse side for instructions) 4*

PART E — INSTRUCTIONS

WHO MUST FILE THIS FORM?

- Any individual, including a candidate upon qualifying, who is required by law to file full and public disclosure of his financial interests on Commission on Ethics Form 8, except Judges. (See Form 6 for a list of persons required to file that form.)
 - Any individual, including a candidate upon qualifying, who is required by law to file a statement of financial interests on Commission on Ethics Form 1. (See Form 1 for a list of persons required to file that form.)
 - Any procurement employee of the executive branch or judicial branch of state government. This includes any employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in Section 287.012, Florida Statutes, if the cost of such services or commodities exceeds \$1,000 in any year.
- NOTE:** Gifts that formerly were allowed under Section 112.3148, F.S., now may be prohibited expenditures under Sections 11.045 and 112.3215, F.S.

WHAT GIFTS ARE REPORTABLE?

- Any gift (as defined below) you received which you believe to be in excess of \$100 in value, EXCEPT:
 - Gifts from the following RELATIVES: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, a person who is engaged to be married to you or who otherwise holds himself or herself out as or is generally known as the person whom you intend to marry or with whom you intend to form a household, or any other natural person having the same legal residence as you.
 - Gifts which you are prohibited from accepting by Sections 112.313(4) and 112.3148(4), Florida Statutes. These include any gift which you know or, with the exercise of reasonable care, should know was given to influence a vote or other action in which you are expected to participate in your official capacity; it also includes a gift worth over \$100 from a political committee or committee of continuous existence under the elections law, from a lobbyist who lobbies your agency or who lobbied your agency within the past 12 months, or from a partner, firm, employer, or principal of such a lobbyist.
 - Gifts worth over \$100 for which there is a public purpose, given to you by an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.060, South Florida Regional Transportation Authority, the Technological Research and Development Authority, a county, a municipality, an airport authority, or a school board, or a gift worth over \$100 given to you by a direct-support organization specifically authorized by law to support the governmental agency of which you are an officer or employee. These gifts must be disclosed on Form 10.
- A "gift" is defined to mean that which is accepted by you or by another in your behalf, or that which is paid or given to another for or on behalf of you, directly, indirectly, or in trust for your benefit or by any other means, for which equal or greater consideration is not given within 90 days after receipt of the gift. A "gift" includes real property, the use of real property, tangible or intangible personal property, the use of tangible or intangible personal property, a preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin; forgiveness of an indebtedness; transportation (unless provided to you by an agency in relation to officially approved governmental business), lodging, or parking; food or beverage; membership dues; entrance fees; admission fees or tickets to events, performances, or facilities; plants, flowers, or floral arrangements; services provided by persons pursuant to a professional license or certificate; other personal services for which a fee is normally charged by the person providing the services; and any other similar service or thing having an attributable value and not already described.

- The following are NOT reportable as gifts on this form: salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with your employment, business, or service as an officer or director of a corporation or organization; contributions or expenditures reported pursuant to the election laws; campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party, an honorarium or an expense related to an honorarium event paid to you or your spouse, an award, plaque, certificate, or similar personalized item given in recognition of your public, civic, charitable, or professional service; an honorary membership in a service or fraternal organization presented merely as a courtesy by such organization; the use of a governmental agency's public facility or public property for a public purpose. Also exempted are some gifts from state, regional, and national organizations that promote the exchange of ideas between, or the professional development of, governmental officials or employees.

HOW DO I DETERMINE THE VALUE OF A GIFT?

- The value of a gift provided to you is determined using the actual cost to the donor, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such services in the community in which the service is provided. Taxes and gratuities are not included in valuing a gift. If additional expenses are required as a condition precedent to the donor's eligibility to purchase or provide a gift and the expenses are primarily for the benefit of the donor or are of a charitable nature, the expenses are not included in determining the value of the gift.
- Compensation provided by you to the donor within 90 days of receiving the gift shall be deducted from the value of the gift in determining the value of the gift.
- If the actual gift value attributable to individual participants at an event cannot be determined, the total costs should be prorated among all invited persons. A gift given to several persons may be attributed among all of them on a pro rata basis. Food, beverages, entertainment, etc., provided at a function for more than ten people should be valued by dividing the total costs by the number of persons invited, unless the items are purchased on a per-person basis, in which case the per-person cost should be used.
- Transportation should be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses should be considered a single gift. Transportation provided in a private conveyance should be given the same value as transportation provided in a comparable commercial conveyance.
- Lodging provided on consecutive days should be considered a single gift. Lodging in a private residence should be valued at \$44 per night.
- Food and beverages consumed at a single sitting or event are a single gift valued for that sitting or meal. Other food and beverages provided on a calendar day are considered a single gift, with the total value of all food and beverages provided on that date being the value of the gift.
- Membership dues paid to the same organization during any 12-month period are considered a single gift.
- Entrance fees, admission fees, or tickets are valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater. If an admission ticket is given by a charitable organization, its value does not include the portion of the cost that represents a contribution to that charity.
- Except as otherwise provided, a gift should be valued on a per occurrence basis.

FOR MORE INFORMATION

The gift disclosures made on this form are required by Sec. 112.3148, Florida Statutes. Questions may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709 or by calling (850) 488-7654; information is also provided at www.ethics.state.fl.us.

CE FORM 9 - EFF. 1/2007

Outside/Concurrent Employment



Elected Officials SHALL NOT Lobby

Elected officials shall not lobby “covered individuals.”

No immediate family member (or staff) of an elected official shall lobby any covered individual.



Outside/Concurrent Employment – Disclosure



- Remuneration
- Exact amount or range
- Retirement contributions (exact amount or check box)
- July 1



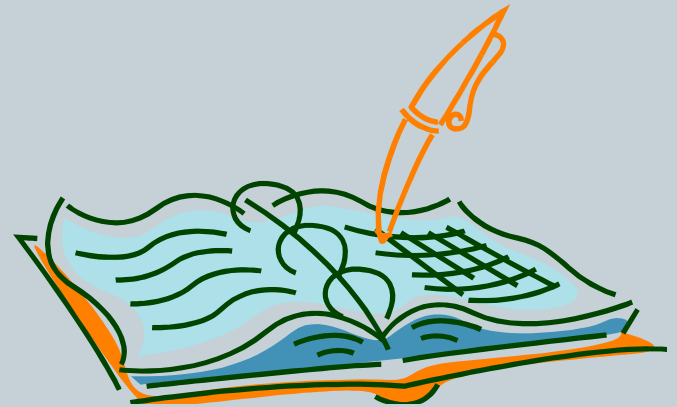
Lobbyists



Lobbyist Registration System



- Each City must implement a lobbyist registration system.



Lobbyists



- Lobbyists must complete contact log irrespective of location (within 3 days)
- Municipalities must create contact log accessible by registered lobbyists
- Enforcement?

Content of Disclosure



- The lobbyist's name;
- The name of the entity by which the lobbyist is employed;
- The name of the person or entity for whom or which the lobbyist is lobbying;
- The name of each elected official lobbied by the lobbyist;
- The name of each person attending the meeting where the lobbying occurred;
- The date, time and location (mode of communication) of the meeting; and
- And the specific purpose and subject matter of the meeting.

Honest Services



Honest Services Act – 18 U.S.C. 1346



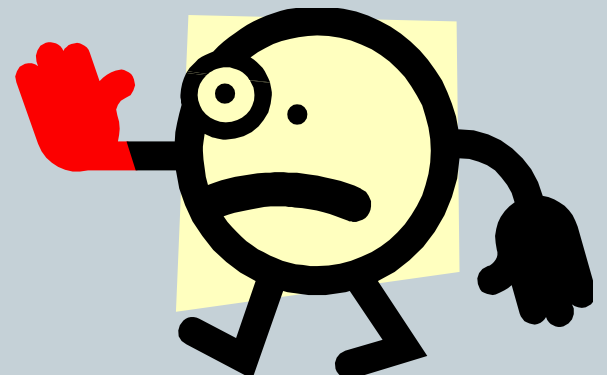
- *Elected officials* **may not** engage in a scheme or artifice to deprive another of the material intangible right of honest services or any activity in contravention of his or her duty to provide loyal service and honest governance for the residents of the City.

Ch. 838, F.S. – Bribery; Misuse of Public Office



Types of offenses:

- Bribery
- Unlawful compensation or reward for official behavior
- Official misconduct
- Commercial bribe receiving
- Commercial bribery
- Bid tampering



Solicitation and Receipt of Contributions



Charitable Solicitation – Private Capacity



- Permissible on behalf of charitable organization, nonprofit entity, or individual
- Comply with applicable state and federal laws
- Not represented or implied to be on behalf city
- No use of city staff or public resources
- Disclosure



Charitable Solicitation – Official Capacity



- Permissible on behalf of charitable causes, individuals in need, or educational or humanitarian nonprofit entities under the IRC
- No quid pro quo
- No special consideration, including any direct or indirect exchange of benefits between parties to the solicitation
- Disclosure

What is NOT Charitable Solicitation?



- Postings on social media, when the primary purpose of the page is not to promote charitable causes/events
- Email correspondence directed to groups of 50 or more
- GoFundMe or similar online fundraising campaigns
- Newsletters referencing charitable causes/events when the primary purpose is not to promote such causes/events
- Statements at public meetings that reference charitable events/causes or that generally ask for contributions to such causes/events

Official Capacity– Use of City Resources



Official may use (“in-kind resources”):

- 1) Staff directly assigned to official;
- 2) City email;
- 3) City telephone; and
- 4) Other resources that do not require expenditure of public funds

City approval is required when the official solicitation involves expenditure of public funds or resources other than in-kind resources or staff other than staff directly assigned to the official.

Unless Solicitation is Formally Approved...



- May not represent or imply that solicitation is on behalf of the city
- May not use city staff resources when engaging in official solicitation if the official is soliciting from a specific person/entity without obtaining a written statement from city attorney that solicitation is legal and serves a public purpose
- Disclosure

Charitable Solicitation Disclosure



- Name of intended recipient of solicitation proceeds
 - Cause or event
 - Staff and resources used
 - Name of any person/entity that requested the official engage in solicitation
-
- Filed within 15 days

Charitable Solicitation – Other Considerations



- Elected official serves on fundraising committee or board of 501(c) – one (1) disclosure effective for two (2) years
- Salary received by elected official from nonprofit – not quid pro quo or special consideration
- No disclosure if elected official solicits on behalf of nonprofit employer

Campaign Fundraising – Disclosure



- Elected officials who solicit campaign contributions for other candidates **shall disclose** the following:
 - 1) The name of the candidate for whom they are soliciting;
 - 2) The location and date of any associated event; and
 - 3) The name and contribution amounts of any individual who provided contributions, directly or indirectly, to the *elected official* for subsequent delivery to the candidate.

Host Committees / Endorsements



- If solicitation of funds results “merely” from service on a candidate’s host committee or by signing an endorsement card authorizing name to be used for fundraising activities...
- Disclosure – effective through the election or for two (2) years, whichever is shorter.

Do NOT Disclose when...



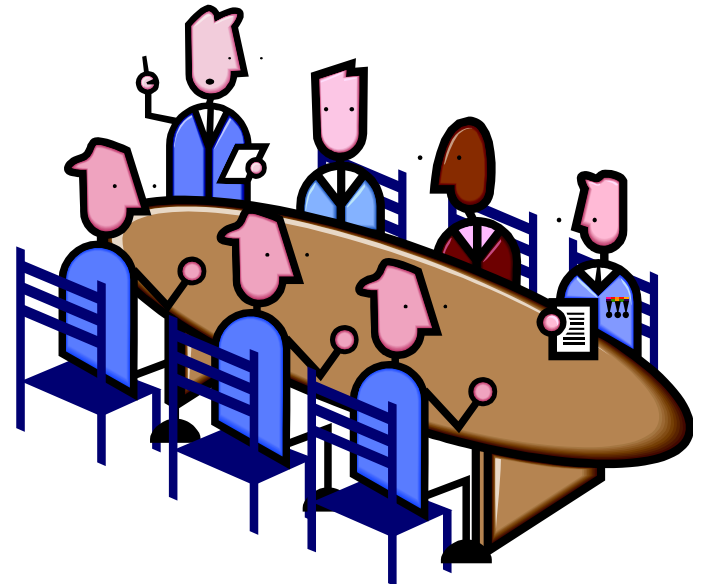
- Elected official's endorsement does not authorize use of their name in any fundraising efforts.
- Elected official attends or speaks at any event, including fundraiser, so long as official does not solicit contributions.

Campaign Fundraising – Use of City Resources



- City Commissioners **may not** use City staff or other City resources in the solicitation of campaign contributions.
- Campaign or political contributions **may not** be made, solicited or accepted in any government-owned building.

Procurement Selection Committees



Selection/Evaluation Committees



- Elected officials **shall not be included** as members on any Selection/Evaluation Committee and **shall not participate or interfere** in any manner at Committee meetings or in the selection of Committee members.
- Upon completion of the selection process by the Committee, elected officials **may** inquire into all aspects of the selection process and express any concerns.

Strong Mayor / Charter Exceptions



- The prohibitions related to procurement **shall not** apply to cities with “strong mayors” or to *elected officials* who, under their City’s charter, are required to participate in the procurement process in a manner that would be inconsistent with such prohibitions (Lighthouse Point / Plantation).
- The prohibitions **shall also not apply** to the hiring (or contractual procurement, in lieu of hiring) of individuals who report directly to the City Commission.
- Auditor Selection – Sec. 218.391, F.S.

Financial Disclosure



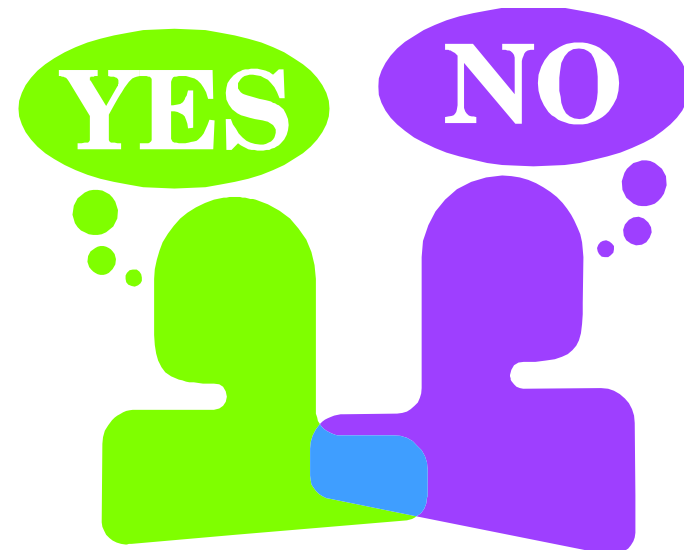
Financial Disclosure – Form 1



- Filed with city clerk and SOE
- City may provide a link to separate database where campaign finance disclosures are otherwise filed



Advisory Opinions



Advisory Opinions



- Must include a recitation of material facts
- Elected Official must send opinions to county within 15 days of receipt



Training & Education



Training and Education – Newly Elected



- 4 hours within 120 days (starting with election)
- Must file certification within 15 days of completion
- 2 of 4 must be interactive (group or individual)
- Certification shall include date of training, number of hours and mode of training

Training and Education – Elected Officials



- 4 hours annually
- Annual = calendar year (Jan. 2017)
- Certification must be filed within 30 days after the end of each calendar year
- At least 2 hours must be interactive



Questions?

